

ASSEMBLY, No. 3666

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Establishes additional county recording fees to support “New Jersey Affordable Housing Trust Fund.”

CURRENT VERSION OF TEXT

As introduced.



A3666 VAINIERI HUTTLE

2

1 AN ACT concerning county recording fees and the “New Jersey
2 Affordable Housing Trust Fund” and amending P.L.1965, c.123
3 and P.L.1985, c.222.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. Section 2 of P.L.1965, c.123 (C.22A:4-4.1) is amended to
9 read as follows:

10 2. a. County clerks and registers of deeds and mortgages, in
11 counties having such offices, shall charge for the services herein
12 enumerated the following fees:

	Fee
13 For recording veteran's discharge papers	No fee
14 For recording any instrument:	
15 First page	\$30.00
16 Each additional page or part thereof	\$10.00
17 Each rider, insertion, addition, or any map, 18 plat or sketch filed or recorded pursuant 19 to subsection (c) of section 2 of P.L.1957, 20 c.130 (C.48:3-17.3)	\$10.00
21 For entering the marginal notation of an order, 22 judgment, statement or warrant discharging, 23 annulling a notice of lis pendens and for 24 filing such order, judgment or statement	\$10.00
25 For filing a lis pendens foreclosure	\$30.00
26 Notation	\$10.00
27 For preparing and transmitting to the assessor, 28 collector, or other custodian of the assessment 29 map of any taxing district, the abstract of an 30 instrument evidencing title to realty	\$10.00
31 For entering the marginal notation of a discharge 32 or release of a New Jersey building and loan 33 or savings and loan mortgage and forwarding 34 abstract	\$10.00
35 For entering the marginal notation of a discharge, 36 assignment, postponement or release of a 37 mortgage, other than building and loan and 38 savings and loan mortgages	\$10.00
39 For the cancellation of any mortgage	\$20.00
40 For a marginal notation of the discharge of a 41 mortgage in counties where mortgages are 42 indexed under a system requiring a duplication 43 of indices and description	\$10.00

44

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

A3666 VAINIERI HUTTLE

3

1	For filing and recording notice of federal tax	
2	lien or other federal lien or certificate	
3	discharging such lien	\$25.00
4	For filing a notice of settlement	\$20.00
5	For filing each map, plat, plan or chart	
6	(except when presented by the State or	
7	its agencies or filed pursuant to subsection (c) of	
8	section 2 of P.L.1957, c.130 (C.48:3-	
9	17.3))	\$55.00
10	For recording tax sale certificate, except by	
11	municipalities, or a redemption or assignment	
12	of tax sale certificate, first page	\$30.00
13	Each additional page or part thereof	\$10.00
14	Certified copy of veteran's discharge	No fee
15	For indexing any recorded instrument in excess	
16	of 5 parties, per each name in excess of 5	\$6.00
17	For recording tax sale certificate, lien, deed,	
18	or related instrument by a municipality	\$8.00
19	For recording vacations or dedications of roads,	
20	first page	\$30.00
21	Each additional page or part thereof	\$10.00
22	For disclaimers	\$15.00
23	For reimbursement agreements	No fee

24 b. In addition to each fee for the recording of any instrument
25 collected by county clerks and registers of deeds and mortgages
26 pursuant to this section and any other rule regulation, or law, an
27 amount of \$75 shall be collected by the county clerk and registers
28 of deeds and mortgages. The fees, after deduction of any actual
29 administrative costs incurred by county clerks and registers of
30 deeds and mortgages in carrying out the provisions of this
31 subsection, shall be sent quarterly by the office of the county clerk
32 or register of deeds and mortgages, as appropriate, to the State
33 Treasurer. The State Treasurer shall biannually credit all funds
34 received pursuant to this subsection to the "New Jersey Affordable
35 Housing Trust Fund," established pursuant to section 20 of
36 P.L.1985, c.222 (C.52:27D-320).
37 (cf: P.L.2007, c.144, s.1)

38
39 2. Section 20 of P.L.1985, c.222 (C.52:27D-320) is amended to
40 read as follows:

41 20. There is established in the Department of Community
42 Affairs a separate trust fund, to be used for the exclusive purposes
43 as provided in this section, and which shall be known as the "New
44 Jersey Affordable Housing Trust Fund." The fund shall be a non-
45 lapsing, revolving trust fund, and all monies deposited or received
46 for purposes of the fund shall be accounted for separately, by source
47 and amount, and remain in the fund until appropriated for such
48 purposes. The fund shall be the repository of all State funds

1 appropriated for affordable housing purposes, including, but not
2 limited to, the proceeds from the receipts of the additional fee
3 collected pursuant to paragraph (2) of subsection a. of section 3 of
4 P.L.1968, c.49 (C.46:15-7), proceeds from available receipts of the
5 Statewide non-residential development fees collected pursuant to
6 section 35 of P.L.2008, c.46 (C.40:55D-8.4), monies lapsing or
7 reverting from municipal development trust funds, the proceeds
8 from the receipts of the additional \$75 fee collected pursuant to
9 subsection b. of section 2 of P.L.1965, c.123 (C.22A:4-4.1), or
10 other monies as may be dedicated, earmarked, or appropriated by
11 the Legislature for the purposes of the fund. All references in any
12 law, order, rule, regulation, contract, loan, document, or otherwise,
13 to the "Neighborhood Preservation Nonlapsing Revolving Fund"
14 shall mean the "New Jersey Affordable Housing Trust Fund." The
15 department shall be permitted to utilize annually up to 7.5 percent
16 of the monies available in the fund for the payment of any
17 necessary administrative costs related to the administration of the
18 "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), or any
19 costs related to administration of P.L.2008, c.46 (C.52:27D-329.1 et
20 al.).

21 a. Except as permitted pursuant to subsection g. of this section,
22 and by section 41 of P.L.2009, c.90 (C.52:27D-320.1), the
23 commissioner shall award grants or loans from this fund for
24 housing projects and programs in municipalities whose housing
25 elements have received substantive certification from the council, in
26 municipalities receiving State aid pursuant to P.L.1978, c.14
27 (C.52:27D-178 et seq.), in municipalities subject to a builder's
28 remedy as defined in section 28 of P.L.1985, c.222 (C.52:27D-328)
29 or in receiving municipalities in cases where the council has
30 approved a regional contribution agreement and a project plan
31 developed by the receiving municipality.

32 Of those monies deposited into the "New Jersey Affordable
33 Housing Trust Fund" that are derived from municipal development
34 fee trust funds, or from available collections of Statewide non-
35 residential development fees, a priority for funding shall be
36 established for projects in municipalities that have petitioned the
37 council for substantive certification.

38 Programs and projects in any municipality shall be funded only
39 after receipt by the commissioner of a written statement in support
40 of the program or project from the municipal governing body.

41 b. The commissioner shall establish rules and regulations
42 governing the qualifications of applicants, the application
43 procedures, and the criteria for awarding grants and loans and the
44 standards for establishing the amount, terms and conditions of each
45 grant or loan.

46 c. For any period which the council may approve, the
47 commissioner may assist affordable housing programs which are
48 not located in municipalities whose housing elements have been

1 granted substantive certification or which are not in furtherance of a
2 regional contribution agreement; provided that the affordable
3 housing program will meet all or part of a municipal low and
4 moderate income housing obligation.

5 d. Amounts deposited in the "New Jersey Affordable Housing
6 Trust Fund" shall be targeted to regions based on the region's
7 percentage of the State's low and moderate income housing need as
8 determined by the council. Amounts in the fund shall be applied for
9 the following purposes in designated neighborhoods:

10 (1) Rehabilitation of substandard housing units occupied or to
11 be occupied by low and moderate income households;

12 (2) Creation of accessory apartments to be occupied by low and
13 moderate income households;

14 (3) Conversion of non-residential space to residential purposes;
15 provided a substantial percentage of the resulting housing units are
16 to be occupied by low and moderate income households;

17 (4) Acquisition of real property, demolition and removal of
18 buildings, or construction of new housing that will be occupied by
19 low and moderate income households, or any combination thereof;

20 (5) Grants of assistance to eligible municipalities for costs of
21 necessary studies, surveys, plans and permits; engineering,
22 architectural and other technical services; costs of land acquisition
23 and any buildings thereon; and costs of site preparation, demolition
24 and infrastructure development for projects undertaken pursuant to
25 an approved regional contribution agreement;

26 (6) Assistance to a local housing authority, nonprofit or limited
27 dividend housing corporation or association or a qualified entity
28 acting as a receiver under P.L.2003, c.295 (C.2A:42-114 et al.) for
29 rehabilitation or restoration of housing units which it administers
30 which: (a) are unusable or in a serious state of disrepair; (b) can be
31 restored in an economically feasible and sound manner; and (c) can
32 be retained in a safe, decent and sanitary manner, upon completion
33 of rehabilitation or restoration; and

34 (7) Other housing programs for low and moderate income
35 housing, including, without limitation, (a) infrastructure projects
36 directly facilitating the construction of low and moderate income
37 housing not to exceed a reasonable percentage of the construction
38 costs of the low and moderate income housing to be provided and
39 (b) alteration of dwelling units occupied or to be occupied by
40 households of low or moderate income and the common areas of the
41 premises in which they are located in order to make them accessible
42 to persons with disabilities.

43 e. Any grant or loan agreement entered into pursuant to this
44 section shall incorporate contractual guarantees and procedures by
45 which the division will ensure that any unit of housing provided for
46 low and moderate income households shall continue to be occupied
47 by low and moderate income households for at least 20 years
48 following the award of the loan or grant, except that the division

1 may approve a guarantee for a period of less than 20 years where
2 necessary to ensure project feasibility.

3 f. Notwithstanding the provisions of any other law, rule or
4 regulation to the contrary, in making grants or loans under this
5 section, the department shall not require that tenants be certified as
6 low or moderate income or that contractual guarantees or deed
7 restrictions be in place to ensure continued low and moderate
8 income occupancy as a condition of providing housing assistance
9 from any program administered by the department, when that
10 assistance is provided for a project of moderate rehabilitation if the
11 project (1) contains 30 or fewer rental units and (2) is located in a
12 census tract in which the median household income is 60 percent or
13 less of the median income for the housing region in which the
14 census tract is located, as determined for a three person household
15 by the council in accordance with the latest federal decennial
16 census. A list of eligible census tracts shall be maintained by the
17 department and shall be adjusted upon publication of median
18 income figures by census tract after each federal decennial census.

19 g. In addition to other grants or loans awarded pursuant to this
20 section, and without regard to any limitations on such grants or
21 loans for any other purposes herein imposed, the commissioner
22 shall annually allocate such amounts as may be necessary in the
23 commissioner's discretion, and in accordance with section 3 of
24 P.L.2004, c.140 (C.52:27D-287.3), to fund rental assistance grants
25 under the program created pursuant to P.L.2004, c.140 (C.52:27D-
26 287.1 et al.). Such rental assistance grants shall be deemed
27 necessary and authorized pursuant to P.L.1985, c.222 (C.52:27D-
28 301 et al.), in order to meet the housing needs of certain low income
29 households who may not be eligible to occupy other housing
30 produced pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).

31 h. The department and the State Treasurer shall submit the
32 "New Jersey Affordable Housing Trust Fund" for an audit annually
33 by the State Auditor or State Comptroller, at the discretion of the
34 Treasurer. In addition, the department shall prepare an annual
35 report for each fiscal year, and submit it by November 30th of each
36 year to the Governor and the Legislature, and the Joint Committee
37 on Housing Affordability, or its successor, and post the information
38 to its web site, of all activity of the fund, including details of the
39 amount deposited in the fund pursuant to subsection b. of section 2
40 of P.L.1965, c.123 (C.22A:4-4.1), grants and loans by number of
41 units, number and income ranges of recipients of grants or loans,
42 location of the housing renovated or constructed using monies from
43 the fund, the number of units upon which affordability controls
44 were placed, and the length of those controls. The report also shall
45 include details pertaining to those monies allocated from the fund
46 for use by the State rental assistance program pursuant to section 3
47 of P.L.2004, c.140 (C.52:27D-287.3) and subsection g. of this
48 section.

1 i. The commissioner may award or grant the amount of any
2 appropriation deposited in the "New Jersey Affordable Housing
3 Trust Fund" pursuant to section 41 of P.L.2009, c.90 (C.52:27D-
4 320.1) to municipalities pursuant to the provisions of section 39 of
5 P.L.2009, c.90 (C.40:55D-8.8).
6 (cf: P.L.2017, c.131, s.200)

7
8 3. This act shall take effect on January 1 of the first full
9 calendar year next following the enactment of P.L. , c. (C.)
10 (pending before the Legislature as this bill).

11
12
13 STATEMENT
14

15 This bill would establish a \$75 fee to be collected for the
16 recording of instruments by county clerks and registers of deeds and
17 mortgages. The fee will be in addition to fees already collected
18 pursuant to current law. This bill requires that the county clerk
19 deduct all actual and necessary administrative costs incurred by the
20 county clerks and registers of deeds and mortgages in collecting and
21 transmitting the fees, and then to send the remainder, each quarter,
22 to the State Treasurer. The deduction of incurred expenses would
23 avoid claims that the collection and disbursement of the additional
24 fee constitutes an unfunded State mandate. The State Treasurer
25 would be required to biannually credit funds sent to the Treasurer
26 pursuant to this bill to the "New Jersey Affordable Housing Trust
27 Fund."

28 The purpose of this bill is to provide an additional funding
29 source to the "New Jersey Affordable Housing Trust Fund" for the
30 benefit of New Jersey residents and communities in need of
31 affordable housing.